

ORDINANCE NO. 12-_____

BE IT ORDAINED by the City Council of the City of Huntsville, Alabama, as follows:

Section 1. The City Council of the City of Huntsville, Alabama, finds that an application has been presented to the City of Huntsville requesting a vacation of a utility and drainage easement; that the applicant has represented to the City of Huntsville that David C. Cassimus and wife, Debbie L. Cassimus, are the owners of the property across which said easement lies; that said easement or portion being vacated is not presently used and is no longer needed for a public or municipal purpose.

Section 2. Pursuant to the findings in Section 1 hereinabove, the Mayor of the City of Huntsville, Alabama, is hereby authorized, requested and directed to execute a quitclaim deed vacating the easement hereinafter described, said deed being substantially in words and figures as follows, to-wit:

STATE OF ALABAMA)
 :
COUNTY OF MADISON)

KNOW ALL MEN BY THESE PRESENTS: That the undersigned, CITY OF HUNTSVILLE, ALABAMA, an Alabama municipal corporation, hereinafter referred to as "Grantor", in consideration of the sum of TEN AND NO/100 (\$10.00) DOLLARS, in hand paid to it by DAVID C. CASSIMUS AND DEBBIE L. CASSIMUS, hereinafter collectively referred to as "Grantee", and other good and valuable considerations, the receipt and sufficiency whereof is hereby acknowledged, does hereby give, grant, bargain, and convey unto said Grantee, their heirs and assigns, an approximate 5-foot wide easement for utilities, drainage and sanitary sewer installation and maintenance over and across the following described real estate, lying and being in the County of Madison, State of Alabama, as follows:

ALL THAT PART OF LOT 6 OF STONEMARK SECTOR 5 A RE-SUBDIVISION OF PARCEL "E" STONEMARK SUBDIVISION PHASE 1 MINUS LOTS 1 & 9 BLOCK "A", LOTS 2 & 21 BLOCK "B", LOTS 6 & 9 BLOCK "C", LOT 22 BLOCK "D" AND OTHER LANDS AS RECORDED IN PLAT BOOK 29, PAGE 92 IN THE OFFICE OF THE JUDGE OF PROBATE OF MADISON COUNTY, ALABAMA. MORE PARTICULARLY DESCRIBED AS COMMENCING AT THE NORTHWEST CORNER OF SAID LOT 5; THENCE ALONG THE WEST BOUNDARY OF SAID LOT 5 SOUTH 05 DEGREES 39 MINUTES 25 SECONDS WEST, 5.42 FEET TO THE POINT OF BEGINNING.

THENCE FROM THE POINT OF BEGINNING SOUTH 61 DEGREES 38 MINUTES 15 SECONDS EAST, 77.41 FEET; THENCE SOUTH 12 DEGREES 49 MINUTES 10 SECONDS WEST, 5.19 FEET; THENCE NORTH 61 DEGREES 38 MINUTES 15 SECONDS WEST, 76.71 FEET TO A POINT ON THE WEST BOUNDARY OF SAID LOT 5; THENCE ALONG SAID BOUNDARY NORTH 05 DEGREES 39 MINUTES 25 SECONDS EAST, 5.42 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.01 ACRES MORE OR LESS.

SUBJECT TO ANY RIGHT OF WAYS, EASEMENTS, OR RESTRICTIONS, RECORDED OR UNRECORDED.

Property Address: Smokey Mountain Circle, Huntsville, Alabama 35803

TO HAVE AND TO HOLD unto the said Grantee, their heirs and assigns forever.

The undersigned Grantor does hereby attest, to the best of its knowledge and belief that the information contained in this document is true and accurate. The undersigned Grantor further understands that any false statements may result in the imposition of the penalty indicated in *Code of Alabama* (1975) § 40-22-1 (h),

IN WITNESS WHEREOF, the Grantor has caused this quitclaim to be signed in its behalf by its Mayor and attested by its Clerk-Treasurer, on this the ____ day of _____, 2012.

ATTEST:

CITY OF HUNTSVILLE, ALABAMA,
a municipal corporation

By: _____
Charles E. Hagood,
Clerk-Treasurer

By: _____
Tommy Battle, Mayor

(Notary on following page)

STATE OF ALABAMA)
 :
COUNTY OF MADISON)

I, the undersigned, a Notary Public in and for said County, in said State, hereby certify that TOMMY BATTLE and CHARLES E. HAGOOD, whose names as Mayor and Clerk-Treasurer, respectively, of the CITY OF HUNTSVILLE, ALABAMA, a municipal corporation are signed to the foregoing instrument, and who are known to me, acknowledged before me on this day that being informed of the contents of the instrument, they, as such officers and with full authority, executed the same voluntarily for and as the act of said corporation on the day the same bears date.

Given under my hand and official seal this the ____ day of _____, 2012.

Notary Public
My Commission Expires: _____

Grantor's Address:
P.O. Box 308
Huntsville, AL 35804

Grantee's Address:
602 Smokey Mountain Circle
Huntsville, AL 35803

Date of Conveyance: _____

THIS INSTRUMENT WAS PREPARED BY: ROBERT E. RAWLINSON, HARRISON, GAMMONS & RAWLINSON, P.C.,
2430 L & N DRIVE, HUNTSVILLE, ALABAMA 35801/ang

Ordinance No. 12-_____ (Cont.)
Cassimus, David C. and Debbie L.

ADOPTED this the 27th day of September, 2012.

President of the City Council
of the City of Huntsville, Alabama

APPROVED this the 27th day of September, 2012.

Mayor of the City of
Huntsville, Alabama